

## Ken Ward

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**From:** Stepto, Rebecca L <Rebecca.L.Stepsto@wv.gov>  
**Sent:** Wednesday, May 29, 2019 2:15 PM  
**To:** kward@wvgazetteemail.com  
**Subject:** your two questions  
**Attachments:** AO 1994-08.pdf; AO 1996-34.pdf

Ken:

- (1) As to the issue of whether any Contract Exemptions (or Advisory Opinions) have ever addressed whether a Governor is deemed to have sufficient control over higher education contracts such that a Contract Exemption is needed, the Ethics Commission has never specifically addressed whether a Governor exercises authority or control over public university contracts.

Note that the power to make appointments to boards and commissions is not considered to amount to "authority and control" under the Ethics Act.

Attached are two old Advisory Opinions which do not address whether a Governor has control, but do analyze what constitutes authority or control for purposes of triggering the Ethics Act's contract restrictions.

- (2) You also asked whether the Ethics Act applies to a Governor-elect and his Inaugural Committee. Members of the Inaugural Committee are not subject to the Act as they are not public officials or employees. A Governor becomes subject to the Act when he is sworn in as a public official.

Rebecca L. Stepto  
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## Ken Ward

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**From:** Stepto, Rebecca L <Rebecca.L.Stepto@wv.gov>  
**Sent:** Monday, June 3, 2019 12:02 PM  
**To:** kward@wvgazetteemail.com  
**Subject:** Your question

### Your question:

Whether this is use of public office for private gain:

- Justice is sworn in.
- Payments of \$800,000 are made to The Greenbrier by the Inaugural Committee for the inaugural ball, which was held hours after the swearing in. The bills of course were paid after the ball.
- Before being sworn in, Justice raised money for the Inaugural Committee and appointed his wife and daughter as its members.

**Answer:** This is not a situation contemplated or covered by the Ethics Act.

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